

**MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY PLANNING COMMISSION
January 18, 2023**

Chair Toni Scott called meeting to order at 7:03 p.m. Roll Call was taken showing herself, Blair Hope, Jeff McNeill, Jedediah Beckstead, and Camille Knudson.

Staff: Trish DuClos, Code Enforcement/Planner. Rachelle Custer, Community Development Director. Stephanie Eastburn, Building Permit Tech. Colin Winchester, County Attorney.

Approval of Meeting Minutes from January 4, 2023. Chair Toni Scott stated that this item will need to be tabled because there are only two commission members in attendance who were also at the last meeting.

SUB 2021-121- Chris Sloan and Energy Solutions are requesting final plat approval for Federal Cell Facility subdivision. Trish DuClos, Planner, summarized the staff report.

Trish DuClos stated that it's been a while since the concept and preliminary came to Planning Commission and there were some changes that had to be made to the plat. It's been through the surveyors for approval. This is out in Clive, and they will use this portion of the property and give it to the state for environmental processing. They don't plan to have any buildings; it's pretty much just a landfill.

Toni Scott asked what they are storing out there. Brittany Stewart, with Energy Solutions, stated that they dispose of radioactive waste. This section is inside our restricted area, and we will own it until it's completed. Twenty years from now, when that landfill is done, we will then just transfer it to the government so they can maintain the property. Chris Sloan, applicant, Energy Solutions, stated that this is for the federal government.

Open public hearing (**SUB 2021-121**) Motion made by Toni Scott. 2nd by Blair Hope. All in favor.

No public comment.

Close public hearing (**SUB 2021-121**) Motion made by Jeff McNeill. 2nd by Toni Scott. All in favor.

Motion to grant approval the proposed final plat for the Federal Cell Facility for **SUB 2021-121** by Jeff McNeill. 2nd by Blair Hope.

Jedediah Beckstead- yes. Camille Knudson- yes. Blair Hope- yes. Jeff McNeill- yes. Toni Scott- yes. The motion passed.

TCLUO 2022-152- Update to Table 16-4-3.3(c) Dwellings, living quarters, and long or short-term residences, shifting down and adding section (l) to allow internal ADUs. Trish DuClos, Planner, summarized the staff report.

Trish stated that the commission has already heard this and recommended chapter 15 for approval. The County Council did make some changes and they are reflected in the staff report. We need to reflect that into table 16.

Jeff McNeill expressed frustration about the changes council made after Planning Commission recommended it.

Open public hearing (**SUB 2021-121**) Motion made by Toni Scott. 2nd by Blair Hope. All in favor.

No public comment.

Close public hearing (**SUB 2021-121**) Motion made by Toni Scott. 2nd by Blair Hope. All in favor.

Toni Scott asked Trish on table 16, number 8, it states internal ADUs must comply with applicable health, building and fire codes. Shouldn't they all? Trish stated yes, they just wanted to reiterate that. Toni asked about number 9, in the case that the dwelling is sold, does the ADU stay with the property, or would they have to reapply? Trish stated that the ADU stays with the property. Toni stated that the other change she was concerned about was that it says the primary dwelling must be occupied by the primary owner. We've discussed this and how things may come up like a mission, etc. Trish stated yes, we talked about it at length here during planning commission. However, when it went to council, there were a few council members that were pushing for that to be in there. I'm not sure what the reasoning was. Possibly to try to mitigate any nuisances from renters.

Jeff McNeill stated that renters are not the problem and asked how are you going to enforce that? It seems impossible to enforce. Trish stated that this is one of those things that are complaint driven. If there was a complaint I, the code enforcement officer, would check who the owner is, go out and possibly check their ID to verify the difference with the property owner. One concern we brought up is if it is owned by an LLC or a family trust. How do you determine who the trustees are?

Jeff McNeill stated he has two issues with the way it is. One is the portion that states "must comply with building, health and fire codes." I don't have a problem with the building having those. But with an internal ADU, if someone wants to do an ADU in an older home, is it going to have to be to current code, or the older code? A detached ADU would have to be to the current code. It could get very expensive to the homeowner to have to bring the whole house up to code. That needs to be clarified.

Rachelle stated that any permit you take out would be required to be built to building code. If you did an addition to your home, regardless of whether it's an ADU, has to be built to current code. If you finish your basement, it has to be built to code. Jeff stated in that case, that statement isn't needed.

Jeff McNeill stated I'd make a favorable motion if I could take out number 2, the part about the primary dwelling must be the primary residence for the owner of record, for these reasons: it is impossible to enforce. If it's owned by a family trust, who has to live there? There is no reason that a renter is any worse than an owner. There is no reason to punish someone who works their whole life to own one or two rentals. And if we take out number 8. It's pointless.

Motion to make a favorable recommendation for **SUB 2021-121** with the conditions of removing number c-2 and c-8 by Jeff McNeill. 2nd by Toni Scott.

Camille Knudson- yes. Jedediah Beckstead- yes. Blair Hope- yes. Jeff McNeill- yes. Toni Scott- yes. The motion passed.

Motion to adjourn made by Toni Scott. 2nd by Blair Hope. All in favor.

Time of adjournment was 7:28 p.m.